

REMARKS

Claims 1-9, 20-26 and 35-42 are pending. Claims 10-19, 27-34, and 43-52 have been withdrawn.

Independent claims 1, 20, and 35 have been amended to more clearly define the present invention. No new subject matter has been added with these amendments.

A. 35 U.S.C. § 102(e)

Radu - Claims 1-8, 35-39, and 41

Claims 1-8, 35-39, and 41 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,956,285 issued October 18, 2005 to Sergiu Radu, et al. (hereinafter “the Radu patent”) (Office Action, pages 2-5).

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Brothers v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Independent claim 1 (from which claims 2-8 depend) and independent claim 35 (from which claims 36-39 and 41 depend) have been amended to include the limitation that the lid is a flat plate. Support for this amended is found in the specification at paragraph 17, which states that:

The lid 118 is preferably a flat plate having a substantially planar attachment surface 124. Using a flat plate greatly simplifies the fabrication of the lid 118, as compared to complex shapes used in the industry. Additionally, if the lid 118 also functions as a heat dissipation device, a flat plate allows for easily varying the thickness of the lid 118 without significant cost implications, and varying the thickness of the heat dissipating lid 118 allows the management of thermal performance, weight, and overall package thickness depending on application.

The Radu patent only teaches or suggests lids which have recesses and additional modifications (e.g., “complex shapes”). Therefore, as the Radu patent neither teaches nor suggests the limitations of currently amended independent claims 1 and 35, reconsideration and withdrawal of the Section 102(e) rejection of claims 1-8, 35-39, and 41 are respectfully requested.

B. 35 U.S.C. § 103(a)

M.P.E.P. 706.02(j) sets forth the standard for a Section 103(a) rejection:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Radu and Fujino - Claims 7, 9, 40 and 42

Claims 7, 9, 40 and 42 stand rejected under 35 U.S.C. § 103(a) as being obvious over the Radu patent in view of Japanese Reference JP-2001319997 dated November 16, 2001 by Junji Fujino (hereinafter "the Fujino reference") (Office Action, pages 5-6).

The Applicant's response with regard to the Section 102(e) rejection of claims 1-8, 35-39, and 41 are equally applicable to the present rejection of claims 7, 9, 40, and 42, and are hereby incorporated herein by reference, as though repeated in total. Again, as stated above, independent claim 1 (from which claims 7 and 9 depend) and independent claim 35 (from which claims 40 and 42 depend) have been amended to include the limitation that the lid is a flat plate. Again, the Radu patent does not teach or suggest this limitation. Furthermore, the Fujino reference does not overcome the deficiencies in the Radu patent, as the Fujino reference merely teaches a stacked package and no mention of lids at all.

As the Radu patent and the Fujino reference, either alone or in combination, neither teach nor suggest all of the limitations of the currently amended claims, a *prima facie* case of obviousness does not hold. Therefore, reconsideration and withdrawal of the Section 103(a) rejection of claims 7, 9, 40, and 42 are respectfully requested.

Kinsman and Radu - Claims 20-23 and 25

Claims 20-23 and 25 stand rejected under 35 U.S.C. § 103(a) as being obvious over the Radu patent in view of U.S. Patent No. 6,172,419 issued January 9, 2001 to Larry Kinsman (hereinafter "the Kinsman patent") in view of the Radu patent (Office Action, pages 6-8).

Independent claim 20 (from which claims 21-23 and 25 depend) has been amended to include the limitation that the lid is a flat plate. As previously discussed, the Radu patent does not teach or suggest such a limitation. Furthermore, the Kinsman patent does not overcome the deficiencies in the Radu patent, as the Kinsman patent merely teaches a microelectronic system and does not mention of lids at all.

As the Kinsman patent and the Radu patent, either alone or in combination, neither teach nor suggest all of the limitations of the amended claims, a prima facie case of obviousness no longer holds. Therefore, reconsideration and withdrawal of the Section 103(a) rejection of claims 20-23 and 25 are respectfully requested.

Kinsman, Radu, and the Fujino - Claims 24 and 26

Claims 24 and 26 stand rejected under 35 U.S.C. § 103(a) as being obvious over the Kinsman patent in view of the Radu patent and further in view of the Fujino reference (Office Action, pages 8-9).

Again, independent claim 20 (from which claims 24 and 26 depend) has been amended to include the limitation that the lid is a flat plate. As previously discussed, the Radu patent does not teach or suggest such a limitation. Furthermore, the Kinsman patent does not overcome the deficiencies in the Radu patent, as the Kinsman patent merely teaches a microelectronic system and does not mention of lids at all. Moreover, the Fujino reference does not overcome the deficiencies in the Radu patent and the Kinsman patent, as the Fujino reference merely teaches a stacked package with no mention of lids at all.

As the Kinsman patent, the Radu patent, and the Fujino reference, either alone or in combination, neither teach nor suggest all of the limitations of the amended claims, a prima facie case of obviousness does not hold. Therefore, reconsideration and withdrawal of the Section 103(a) rejection of claims 24 and 26 are respectfully requested.

CONCLUSION

For at least the foregoing reasons, Applicants submit that the rejections of the claims have been overcome herein, placing all pending claims in condition for examination. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the above-referenced application.

The Commissioner is authorized to charge or credit any deficiencies or overpayments in connection with this filing to Deposit Account No. 02-2666.

Respectfully submitted,
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